IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2319 OF 2005

Rajendra Madhukar Jaitpal ... Applicant

versus

Janakalyan Co.op.Soc.Ltd. & ors.... Respondents

...

Mr.Tejesh Dande, for the Applicant.

Mr.V.B. Konde Deshmukh, A.P.P., for the Respondent No.2.

...

CORAM : A.M.KHANWILKAR,J.

8th April 2005

P.C.:

. Heard Mr. Dande, for the Applicant, and Mr. Konde Deshmukh, A.P.P., for the Respondent No.2. For the nature of order that I propose to pass, presence of Respondent No.1 is not necessary.

. The limited grievance made before this

Court is that proper application in writing has been filed by the Applicant for sending the subject document to handwriting expert for his opinion. No order has been passed on that application. Whereas, the Court has observed that that request will be considered in due course. If the trial is to proceed further and opinion of handwriting expert is necessary, the course adopted by the trial Judge cannot be countenanced. The trial Judge ought to have either allowed the application or rejected the same if he was so advised, but not passing orders thereon and proceeding with the trial is not a fair approach in the matter.

. Accordingly, the trial Judge is directed to decide the applications, Exhibits 33-D and 34-D on its own merits in accordance with law before proceeding with the trial any further.

. As this direction is not likely to cause any prejudice to the Respondent No.1, in my view, it is not necessary to issue notice to Respondent No.1 and which inevitably would delay the proceedings further.

. Hence, petition is dismissed with the above direction.

(A.M.KHANWILKAR,J.)